

1-1 By: Campbell, et al. S.B. No. 208
 1-2 (In the Senate - Filed March 13, 2015; March 16, 2015, read
 1-3 first time and referred to Committee on Natural Resources and
 1-4 Economic Development; April 30, 2015, reported adversely, with
 1-5 favorable Committee Substitute by the following vote: Yeas 7, Nays
 1-6 4; April 30, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10		X		
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17		X		
1-18		X		
1-19		X		

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 208 By: Hancock

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to the continuation and functions of the Texas Workforce
 1-24 Commission; affecting the rates and imposition of certain fees and
 1-25 assessments.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Subchapter B, Chapter 132, Education Code, is
 1-28 amended by adding Section 132.025 to read as follows:

1-29 Sec. 132.025. REQUIRED POSTING. To facilitate a
 1-30 prospective student's informed selection among career schools and
 1-31 colleges, the commission shall include in its searchable directory
 1-32 of career schools and colleges maintained on its Internet website
 1-33 information regarding any formal enforcement action taken by the
 1-34 commission against a school or college, including:

- 1-35 (1) any revocation of the school's or college's
 1-36 certificate of authority;
- 1-37 (2) any assessment of administrative penalties
 1-38 against the school or college; and
- 1-39 (3) any suspension of admission of students to the
 1-40 school or college.

1-41 SECTION 2. Sections 132.201(a), (d), (e), and (f),
 1-42 Education Code, are amended to read as follows:

1-43 (a) Certificate and registration fees, except those charged
 1-44 pursuant to Subsection (d), shall be collected by the commission.
 1-45 The commission by rule shall determine the amount of each fee.
 1-46 [Each fee shall be in an amount set by the commission in an amount
 1-47 not to exceed 150 percent of each fee in the following schedule:

- 1-48 [(1) the initial fee for a career school or college:
 1-49 [(A) for a certificate of approval is \$2,000; or
 1-50 [(B) for a small career school or college
 1-51 certificate of approval is \$1,000;
- 1-52 [(2) the first renewal fee and each subsequent renewal
 1-53 fee for a career school or college is the greater of:
 1-54 [(A) an amount that is determined by applying a
 1-55 percentage, not to exceed 0.3 percent, to the gross tuition and
 1-56 fees, excluding refunds as provided by Section 132.061 or 132.0611,
 1-57 of the school or college; or
 1-58 [(B) \$500;
- 1-59 [(3) the initial registration fee for a representative
 1-60 is \$60;
- 1-61 [(4) the annual renewal fee for a representative is
 1-62 \$30;

2-1 ~~[(5) the fee for a change of a name of a career school~~
 2-2 ~~or college or owner is \$100;~~
 2-3 ~~[(6) the fee for a change of an address of a career~~
 2-4 ~~school or college is \$180;~~
 2-5 ~~[(7) the fee for a change in the name or address of a~~
 2-6 ~~representative or a change in the name or address of a career school~~
 2-7 ~~or college that causes the reissuance of a representative permit is~~
 2-8 ~~\$10;~~
 2-9 ~~[(8) the application fee for an additional program is~~
 2-10 ~~\$150, except for seminars and workshops, for which the fee is \$25;~~
 2-11 ~~[(9) the application fee for a director,~~
 2-12 ~~administrative staff member, or instructor is \$15;~~
 2-13 ~~[(10) the application fee for the authority to grant~~
 2-14 ~~degrees is \$2,000;~~
 2-15 ~~[(11) the application fee for an additional degree~~
 2-16 ~~program is \$250; and~~
 2-17 ~~[(12) the fee for an inspection required by commission~~
 2-18 ~~rule of classroom facilities that are separate from the main campus~~
 2-19 ~~is \$250.]~~

2-20 (d) In connection with the regulation of any career school
 2-21 or college or program through a memorandum of understanding
 2-22 pursuant to Section 132.002(c), the commission by rule shall set an
 2-23 application and annual renewal fee in ~~[, not to exceed \$2,000. The~~
 2-24 ~~fee shall be]~~ an amount reasonably calculated to cover the
 2-25 administrative costs associated with assuming the additional
 2-26 regulation.

2-27 (e) The commission by rule shall determine the amount of a
 2-28 ~~[The]~~ fee for an investigation at a career school or college to
 2-29 resolve a complaint filed against the school or college ~~[is \$600].~~
 2-30 The fee may be charged only if:

2-31 (1) the complaint could not have been resolved by
 2-32 telephone or written correspondence only;

2-33 (2) a representative of the commission visits the
 2-34 school or college as a part of the complaint resolution process; and

2-35 (3) the school or college is found to be at fault.

2-36 (f) The commission may allow payment of any fee authorized
 2-37 under this section or under Section 132.2415 that exceeds \$1,000 to
 2-38 be paid by installment. The commission shall provide for
 2-39 appropriate interest charges and late penalties in addition to any
 2-40 other remedy that is provided for by law for the late payment of a
 2-41 fee installment authorized under this section. The commission may
 2-42 assess a reasonable service charge or interest to be paid by a
 2-43 career school or college that pays a fee by installment ~~[in an~~
 2-44 ~~amount not to exceed 10 percent annually of the fee that is to be~~
 2-45 ~~paid by installment].~~

2-46 SECTION 3. Section 1001.104, Education Code, is amended to
 2-47 read as follows:

2-48 Sec. 1001.104. HOSPITAL AND REHABILITATION FACILITIES.

2-49 (a) The agency shall enter into a memorandum of understanding with
 2-50 the state agency responsible for administering the vocational
 2-51 rehabilitation program under Subtitle C, Title 4, Labor Code,
 2-52 [Texas Rehabilitation Commission] and the department for the
 2-53 interagency development of curricula and licensing criteria for
 2-54 hospital and rehabilitation facilities that teach driver
 2-55 education.

2-56 (b) The agency shall administer comprehensive rules
 2-57 governing driver education courses adopted by mutual agreement
 2-58 among the agency, the state agency responsible for administering
 2-59 the vocational rehabilitation program under Subtitle C, Title 4,
 2-60 Labor Code [Texas Rehabilitation Commission], and the department.

2-61 SECTION 4. The heading to Section 411.104, Government Code,
 2-62 is amended to read as follows:

2-63 Sec. 411.104. ACCESS TO CRIMINAL HISTORY RECORD
 2-64 INFORMATION: TEXAS WORKFORCE COMMISSION; SECURITY SENSITIVE
 2-65 POSITIONS.

2-66 SECTION 5. Effective September 1, 2016, Subchapter F,
 2-67 Chapter 411, Government Code, is amended by adding Section 411.1041
 2-68 to read as follows:

2-69 Sec. 411.1041. ACCESS TO CRIMINAL HISTORY RECORD
 2-70 INFORMATION: TEXAS WORKFORCE COMMISSION; VOCATIONAL
 2-71 REHABILITATION AND OTHER SERVICES. (a) The Texas Workforce

3-1 Commission, in connection with the administration of vocational
3-2 rehabilitation services and other services and programs under
3-3 Subtitle C, Title 4, Labor Code, is entitled to obtain from the
3-4 department criminal history record information maintained by the
3-5 department that relates to a person who is:

3-6 (1) an applicant selected for employment with the
3-7 commission whose potential duties include direct contact with
3-8 clients to provide those services;

3-9 (2) an applicant for those services from the
3-10 commission; or

3-11 (3) a client receiving those services from the
3-12 commission.

3-13 (b) Criminal history record information obtained by the
3-14 commission under Subsection (a) may not be released or disclosed to
3-15 any person except on court order or with the written consent of the
3-16 person who is the subject of the criminal history record
3-17 information.

3-18 SECTION 6. Section 2308.3155(b), Government Code, is
3-19 amended to read as follows:

3-20 (b) The commission shall adopt rules to administer the Texas
3-21 Rising Star Program, including:

3-22 (1) guidelines for rating a child-care provider who
3-23 provides child care to a child younger than 13 years of age,
3-24 including infants and toddlers, enrolled in the subsidized program;
3-25 and

3-26 (2) a timeline and process for regularly reviewing and
3-27 updating the quality standards used to determine the rating system
3-28 that includes the commission's consideration of input from
3-29 interested parties regarding those standards.

3-30 SECTION 7. Effective September 1, 2016, Subchapter C,
3-31 Chapter 91, Human Resources Code, is amended by adding Section
3-32 91.0211 to read as follows:

3-33 Sec. 91.0211. SERVICE DELIVERY BY TEXAS WORKFORCE
3-34 COMMISSION. The Texas Workforce Commission has primary
3-35 responsibility for providing vocational rehabilitation services
3-36 and other services and programs under Subtitle C, Title 4, Labor
3-37 Code, notwithstanding Section 91.021(a) and subject to receipt of
3-38 any required federal approval to administer those services and
3-39 programs. A power or duty under this chapter, including rulemaking
3-40 authority, of the department, the commissioner, or the executive
3-41 commissioner that is applicable to those services or programs is a
3-42 power or duty of the Texas Workforce Commission with respect to
3-43 those services or programs.

3-44 SECTION 8. Effective September 1, 2016, Subchapter C,
3-45 Chapter 111, Human Resources Code, is amended by adding Section
3-46 111.0511 to read as follows:

3-47 Sec. 111.0511. SERVICE DELIVERY BY TEXAS WORKFORCE
3-48 COMMISSION. The Texas Workforce Commission has primary
3-49 responsibility for providing vocational rehabilitation services
3-50 and other services and programs under Subtitle C, Title 4, Labor
3-51 Code, notwithstanding Section 111.051 and subject to receipt of any
3-52 required federal approval to administer those services and
3-53 programs. A power or duty under this chapter, including rulemaking
3-54 authority, of the department, the commissioner, or the executive
3-55 commissioner that is applicable to those services or programs is a
3-56 power or duty of the Texas Workforce Commission with respect to
3-57 those services or programs. All other state agencies engaged in
3-58 vocational rehabilitation services or related services or programs
3-59 shall coordinate those activities with the Texas Workforce
3-60 Commission.

3-61 SECTION 9. Effective September 1, 2016, Subchapter D,
3-62 Chapter 117, Human Resources Code, is amended by adding Section
3-63 117.0713 to read as follows:

3-64 Sec. 117.0713. SERVICE DELIVERY BY TEXAS WORKFORCE
3-65 COMMISSION. The Texas Workforce Commission has primary
3-66 responsibility for providing vocational rehabilitation services
3-67 and other services and programs under Subtitle C, Title 4, Labor
3-68 Code, notwithstanding Section 117.071 and subject to receipt of any
3-69 required federal approval to administer those services and
3-70 programs. A power or duty under this chapter, including rulemaking
3-71 authority, of the department, the commissioner, or the executive

4-1 commissioner that is applicable to those services or programs is a
 4-2 power or duty of the Texas Workforce Commission with respect to
 4-3 those services or programs.

4-4 SECTION 10. Section 21.0015, Labor Code, is amended to read
 4-5 as follows:

4-6 Sec. 21.0015. TEXAS WORKFORCE COMMISSION [~~CIVIL RIGHTS~~
 4-7 ~~DIVISION~~]. The powers and duties exercised by the Commission on
 4-8 Human Rights under this chapter are transferred to the Texas
 4-9 Workforce Commission [~~civil rights division~~]. A reference in this
 4-10 chapter to the "commission" means the Texas Workforce Commission
 4-11 [~~civil rights division~~].

4-12 SECTION 11. Section 21.206, Labor Code, is amended to read
 4-13 as follows:

4-14 Sec. 21.206. DETERMINATION OF REASONABLE CAUSE; REVIEW BY
 4-15 COMMISSION [~~PANEL~~]. (a) If after investigation the executive
 4-16 director or the executive director's designee determines that there
 4-17 is reasonable cause to believe that the respondent engaged in an
 4-18 unlawful employment practice as alleged in a complaint, the
 4-19 executive director or the executive director's designee shall
 4-20 review with the commission members [~~a panel of three commissioners~~]
 4-21 the evidence in the record.

4-22 (b) If after the review at least two of the three commission
 4-23 members [~~commissioners~~] determine that there is reasonable cause to
 4-24 believe that the respondent engaged in an unlawful employment
 4-25 practice, the executive director shall:

4-26 (1) issue a written determination incorporating the
 4-27 executive director's finding that the evidence supports the
 4-28 complaint; and

4-29 (2) serve a copy of the determination on the
 4-30 complainant, the respondent, and other agencies as required by law.

4-31 SECTION 12. Section 21.453, Labor Code, is amended by
 4-32 amending Subsection (a) and adding Subsection (a-1) to read as
 4-33 follows:

4-34 (a) Except as provided by Subsection (a-1), the [~~The~~]
 4-35 commission shall review the personnel policies and procedures of
 4-36 each state agency on a six-year cycle to determine whether the
 4-37 policies and procedures comply with this chapter.

4-38 (a-1) The commission by rule shall develop risk-assessment
 4-39 criteria for determining the circumstances under which the
 4-40 commission may conduct a review of the personnel policies and
 4-41 procedures of a state agency more frequently than required by
 4-42 Subsection (a). The risk-assessment criteria must include:

4-43 (1) data on complaints against a state agency;

4-44 (2) previous review findings; and

4-45 (3) any other related information collected and
 4-46 maintained by the commission.

4-47 SECTION 13. Section 21.455, Labor Code, is amended by
 4-48 adding Subsection (d) to read as follows:

4-49 (d) Annually, the commission shall:

4-50 (1) review the reimbursements received by the
 4-51 commission under this section to ensure that the commission
 4-52 recovers the expenses described by Subsection (a); and

4-53 (2) adjust the reimbursement rate if, as a result of
 4-54 the most recent annual review, the commission determines that the
 4-55 reimbursement rate is higher or lower than the rate required to
 4-56 recover those expenses.

4-57 SECTION 14. Chapter 214, Labor Code, is amended by adding
 4-58 Section 214.009 to read as follows:

4-59 Sec. 214.009. RECOVERY OF COVERED UNEMPLOYMENT
 4-60 COMPENSATION DEBT THROUGH FEDERAL TREASURY OFFSET PROGRAM. (a) In
 4-61 this section, "program" means the federal Treasury Offset Program
 4-62 authorized by 26 U.S.C. Section 6402(f).

4-63 (b) The commission may collect the following covered
 4-64 unemployment compensation debt through the program:

4-65 (1) a past-due debt for erroneous payment of benefits
 4-66 due to fraud that has become final under law and remains
 4-67 uncollected;

4-68 (2) a past-due debt for erroneous payment of benefits
 4-69 due to a person's failure to report earnings, even if
 4-70 non-fraudulent, that has become final under law and remains
 4-71 uncollected;

5-1 (3) a past-due employer contribution owed to the
5-2 compensation fund for which the commission has determined the
5-3 person to be liable and that remains uncollected; and

5-4 (4) any penalties and interest assessed by the
5-5 commission on a debt described by Subdivision (1), (2), or (3).

5-6 (c) Before submitting covered unemployment compensation
5-7 debt for recovery under the program, the commission must:

5-8 (1) notify the debtor by regular United States mail
5-9 that the commission plans to recover the debt through the offset of
5-10 any federal tax refund;

5-11 (2) provide the debtor at least 60 days following the
5-12 date the notice is provided under Subdivision (1) to present to the
5-13 commission evidence that all or part of the debt is not:

5-14 (A) legally enforceable;

5-15 (B) due to fraud or unreported earnings; or

5-16 (C) a contribution owed to the compensation fund;

5-17 and

5-18 (3) consider any evidence presented by the debtor to
5-19 determine the amount of debt that is legally enforceable and owed.

5-20 (d) In considering evidence presented by a debtor under
5-21 Subsection (c), the commission may determine only whether the
5-22 debtor has demonstrated that the debt is not subject to recovery
5-23 through the program so that the commission is able to minimize
5-24 erroneous offsets. The commission may not review the initial
5-25 determination establishing the debtor's liability.

5-26 (e) The commission shall assess against the debtor the cost
5-27 of any administrative fee charged by the United States Department
5-28 of the Treasury for each offset. The commission may add the
5-29 assessed amount to the covered unemployment compensation debt that
5-30 is offset under the program.

5-31 SECTION 15. Section 301.006(b), Labor Code, is amended to
5-32 read as follows:

5-33 (b) Notwithstanding Subsection (a), the member of the
5-34 commission who represents the public shall serve as chair:

5-35 (1) when the commission acts under:

5-36 (A) Chapter 21;

5-37 (B) Subchapter D, Chapter 61; ~~or~~

5-38 (C) ~~(B)~~ Subchapter D, Chapter 212; or

5-39 (D) Chapter 301, Property Code; and

5-40 (2) in commission hearings involving unemployment
5-41 insurance issues regarding tax coverage, contributions, or
5-42 reimbursements.

5-43 SECTION 16. Section 301.008, Labor Code, is amended to read
5-44 as follows:

5-45 Sec. 301.008. APPLICATION OF SUNSET ACT. The Texas
5-46 Workforce Commission is subject to Chapter 325, Government Code
5-47 (Texas Sunset Act). Unless continued in existence as provided by
5-48 that chapter, the commission is abolished September 1, 2027 ~~[2015]~~.

5-49 SECTION 17. Section 301.009(a), Labor Code, is amended to
5-50 read as follows:

5-51 (a) The commission shall have:

5-52 (1) a division of workforce development; ~~and~~

5-53 (2) a division of unemployment compensation; and

5-54 (3) a civil rights division.

5-55 SECTION 18. Effective September 1, 2016, Subchapter D,
5-56 Chapter 301, Labor Code, is amended by adding Section 301.075 to
5-57 read as follows:

5-58 Sec. 301.075. VOCATIONAL REHABILITATION AND CERTAIN OTHER
5-59 SERVICES FOR PERSONS WITH DISABILITIES. Subject to federal
5-60 approval, if required, to administer vocational rehabilitation
5-61 services and other services and programs to persons with
5-62 disabilities under Subtitle C, Title 4, the commission has primary
5-63 responsibility for providing those services and programs.

5-64 SECTION 19. Section 301.153, Labor Code, is amended to read
5-65 as follows:

5-66 Sec. 301.153. GOVERNANCE; AUTHORITY ~~[HUMAN RIGHTS~~
5-67 ~~COMMISSION]~~. (a) ~~[The division is governed by the human rights~~
5-68 ~~commission, which consists of seven members as follows:~~

5-69 ~~[(1) one member who represents industry,~~

5-70 ~~[(2) one member who represents labor, and~~

5-71 ~~[(3) five members who represent the public.]~~

6-1 ~~[(b) The members of the human rights commission established~~
 6-2 ~~under this section shall be appointed by the governor. In making~~
 6-3 ~~appointments to the human rights commission, the governor shall~~
 6-4 ~~strive to achieve representation on the human rights commission~~
 6-5 ~~that is diverse with respect to disability, religion, age, economic~~
 6-6 ~~status, sex, race, and ethnicity.~~

6-7 ~~[(c) The term of office of each commissioner is six years.~~
 6-8 ~~The governor shall designate one commissioner to serve as presiding~~
 6-9 ~~officer.~~

6-10 ~~[(d) A commissioner is entitled to reimbursement of actual~~
 6-11 ~~and necessary expenses incurred in the performance of official~~
 6-12 ~~duties.~~

6-13 ~~[(e)]~~ The ~~[human rights]~~ commission shall establish
 6-14 policies for the division and the executive director shall
 6-15 supervise the director in administering the activities of the
 6-16 division.

6-17 (b) [(f)] The ~~[human rights]~~ commission is the state
 6-18 authority established as a fair employment practice agency and is
 6-19 authorized, with respect to an unlawful employment practice, to:

- 6-20 (1) grant relief from the practice;
- 6-21 (2) seek relief from the practice; or
- 6-22 (3) institute criminal proceedings.

6-23 (c) The commission shall administer Chapter 21 of this code
 6-24 and Chapter 301, Property Code, including the powers and duties
 6-25 formerly exercised by the former Commission on Human Rights under
 6-26 those laws.

6-27 (d) A reference in Chapter 21 of this code, Chapter 301,
 6-28 Property Code, or any other law to the former Commission on Human
 6-29 Rights means the commission.

6-30 SECTION 20. Section 301.154(a), Labor Code, is amended to
 6-31 read as follows:

6-32 (a) The director shall be appointed by the executive
 6-33 director [human rights commission] to administer the powers and
 6-34 duties of the division.

6-35 SECTION 21. Subchapter I, Chapter 301, Labor Code, is
 6-36 amended by adding Section 301.157 to read as follows:

6-37 Sec. 301.157. ANALYSIS OF STATE AGENCY DISCRIMINATION
 6-38 COMPLAINTS; REPORT. (a) Each state fiscal year, the division
 6-39 shall collect and analyze information regarding employment
 6-40 discrimination complaints, other than complaints determined to be
 6-41 without merit, filed with the division against a state agency. The
 6-42 information must include:

- 6-43 (1) an analysis of the complaints, both by number and
 6-44 by type; and
- 6-45 (2) key findings or trends the division identifies
 6-46 during the division's review of state agency personnel policies and
 6-47 procedures under Section 21.453.

6-48 (b) The commission shall include the results of the
 6-49 division's analysis under this section in the commission's annual
 6-50 report to the governor and the legislature. The division shall
 6-51 exclude from the report any identifying information of a
 6-52 complainant or a state agency complaint as necessary to maintain
 6-53 confidentiality required by the commission's contract with the
 6-54 federal Equal Employment Opportunity Commission or by other law.

6-55 SECTION 22. Section 302.0043(f), Labor Code, is amended to
 6-56 read as follows:

6-57 (f) Not later than January 15 of each odd-numbered year, the
 6-58 commission shall report to the legislature regarding the
 6-59 commission's findings regarding the effectiveness of the
 6-60 commission's child care program. The report must:

- 6-61 (1) include employment outcome information,
 6-62 disaggregated by local workforce development area, regarding
 6-63 parents receiving subsidized care under the program; and
- 6-64 (2) identify multiyear trends in the information
 6-65 collected and analyzed by the commission under this section,
 6-66 including trends in the information for at least the five state
 6-67 fiscal years preceding the date of the report.

6-68 SECTION 23. Subchapter A, Chapter 302, Labor Code, is
 6-69 amended by adding Section 302.00435 to read as follows:

6-70 Sec. 302.00435. SUBSIDIZED CHILD CARE PROGRAM; INPUT
 6-71 POLICY. The commission shall develop a policy for obtaining,

7-1 through appropriate methods, input from interested parties
 7-2 regarding its subsidized child care program and for using that
 7-3 input in administering that program.

7-4 SECTION 24. Title 4, Labor Code, is amended by adding
 7-5 Subtitle C to read as follows:

7-6 SUBTITLE C. VOCATIONAL REHABILITATION AND CERTAIN OTHER SERVICES
 7-7 FOR PERSONS WITH DISABILITIES

7-8 CHAPTER 351. GENERAL PROVISIONS; RESPONSIBILITY FOR
 7-9 ADMINISTRATION OF SERVICES

7-10 Sec. 351.001. DEFINITIONS. In this subtitle:

7-11 (1) "Department" means the Department of Assistive and
 7-12 Rehabilitative Services.

7-13 (2) "Executive commissioner" means the executive
 7-14 commissioner of the Health and Human Services Commission.

7-15 Sec. 351.002. RESPONSIBILITY FOR ADMINISTRATION OF
 7-16 SERVICES AND PROGRAMS. (a) Notwithstanding any other provision of
 7-17 this subtitle, the department shall administer the services and
 7-18 programs under this subtitle until September 1, 2016. On that date,
 7-19 the department shall cease administering the services and programs
 7-20 and the commission shall begin administering the services and
 7-21 programs, subject to receipt of any required federal approval.

7-22 (b) The department or commission, as appropriate, shall
 7-23 seek federal approval, if required:

7-24 (1) for the commission, beginning on September 1,
 7-25 2016, to administer the services and programs under this subtitle
 7-26 that the department operated before that date under the federal
 7-27 Rehabilitation Act of 1973 (29 U.S.C. Sections 720 through 751),
 7-28 including:

7-29 (A) the vocational rehabilitation program for
 7-30 individuals with visual impairments;

7-31 (B) the vocational rehabilitation program for
 7-32 individuals with other disabilities;

7-33 (C) the Independent Living Program for
 7-34 individuals who are blind or have visual impairments;

7-35 (D) the Independent Living Services Program for
 7-36 individuals with significant disabilities;

7-37 (E) the Independent Living Services Program for
 7-38 older individuals who are blind;

7-39 (F) the Criss Cole Rehabilitation Center;

7-40 (G) the federal Social Security Disability
 7-41 Determination program; and

7-42 (H) the program for vending facilities operated
 7-43 by blind persons under Chapter 355; and

7-44 (2) to designate within the commission the state unit
 7-45 under 29 U.S.C. Section 721 that is responsible for administering
 7-46 the state's vocational rehabilitation program.

7-47 (c) The Rehabilitation Council of Texas transfers to the
 7-48 commission on September 1, 2016.

7-49 (d) Subsections (b) and (c) and this subsection expire
 7-50 September 1, 2019.

7-51 Sec. 351.003. DESIGNATED STATE UNIT FOR VOCATIONAL
 7-52 REHABILITATION SERVICES. In accordance with the requirements of
 7-53 the federal Rehabilitation Act of 1973 (29 U.S.C. Section 701 et
 7-54 seq.), the commission shall establish a designated state unit
 7-55 within the commission that:

7-56 (1) is an organizational unit designated to be
 7-57 primarily responsible for and concerned with vocational
 7-58 rehabilitation of individuals with disabilities;

7-59 (2) has a full-time director;

7-60 (3) has a staff employed on the rehabilitation work of
 7-61 the organizational unit, all or substantially all of whom are
 7-62 employed full-time on such work; and

7-63 (4) is located at an organizational level and has an
 7-64 organizational status within the commission comparable to that of
 7-65 other major organizational units of the commission.

7-66 Sec. 351.004. INTEGRATION OF VOCATIONAL REHABILITATION
 7-67 PROGRAMS; PROGRAM STAFF. (a) Not later than August 31, 2018, the
 7-68 commission shall integrate the vocational rehabilitation staff
 7-69 from department offices into the commission's local workforce
 7-70 development boards and centers.

7-71 (b) This section expires September 1, 2019.

8-1 Sec. 351.005. MEANING OF CERTAIN REFERENCES IN LAW. Until
8-2 the administration of this subtitle is transferred from the
8-3 department to the commission, a reference to the commission or the
8-4 executive director in this subtitle means the department,
8-5 commissioner of assistive and rehabilitative services, or
8-6 executive commissioner, as applicable.

8-7 CHAPTER 352. VOCATIONAL REHABILITATION SERVICES

8-8 SUBCHAPTER A. GENERAL PROVISIONS

8-9 Sec. 352.001. DEFINITIONS. In this chapter:

8-10 (1) "Direct services" means services provided to a
8-11 client by a commission employee, including counseling,
8-12 facilitating the purchase of services from a source other than the
8-13 commission, and purchasing equipment and other items and providing
8-14 other services necessary for the client to successfully complete a
8-15 commission program.

8-16 (2) "Direct services program" means a program operated
8-17 by the commission through which direct services are provided.

8-18 (3) "Individual with a disability" means an individual
8-19 who has a physical impairment, including a visual impairment, or
8-20 mental impairment that constitutes a substantial impediment to
8-21 employment, but that is of a nature that rehabilitation services
8-22 may be expected to enable the individual to engage in a gainful
8-23 occupation.

8-24 (4) "Maintenance" means money payments not exceeding
8-25 the estimated cost of subsistence during vocational
8-26 rehabilitation.

8-27 (5) "Occupational license" means a license, permit, or
8-28 other written authorization required by a governmental entity as a
8-29 condition for engaging in an occupation.

8-30 (6) "Physical restoration" means medical, surgical,
8-31 or therapeutic treatment necessary to correct or substantially
8-32 reduce a substantial impediment to employment of an individual with
8-33 a disability within a reasonable period of time. The term includes
8-34 medical, surgical, dental, and psychiatric treatment, nursing
8-35 services, hospital care, convalescent home care, drugs, medical and
8-36 surgical supplies, and prosthetic appliances. The term excludes
8-37 treatment to cure acute or transitory conditions.

8-38 (7) "Prosthetic appliance" means an artificial device
8-39 necessary to support or replace a part of the body or to increase
8-40 the acuity of a sensory organ.

8-41 (8) "Rehabilitation training" means all necessary
8-42 training provided to an individual with a disability to compensate
8-43 for a substantial impediment to employment. The term includes
8-44 manual, preconditioning, prevocational, vocational, and
8-45 supplementary training and training to achieve broader and more
8-46 lucrative skills and capacities.

8-47 (9) "Substantial impediment to employment" means a
8-48 physical or mental condition that obstructs or impairs, or if not
8-49 corrected will probably obstruct or impair, an individual's
8-50 performance in an occupation.

8-51 (10) "Vocational rehabilitation" or "vocational
8-52 rehabilitation services" means services that are provided directly
8-53 by the commission or through a public or private agency and that the
8-54 commission determines are necessary to compensate an individual
8-55 with a disability for a substantial impediment to employment so
8-56 that the individual may engage in a remunerative occupation. The
8-57 terms include:

- 8-58 (A) medical and vocational diagnosis;
- 8-59 (B) vocational guidance, counseling, and
8-60 placement;
- 8-61 (C) rehabilitation training;
- 8-62 (D) physical restoration;
- 8-63 (E) transportation;
- 8-64 (F) occupational licenses;
- 8-65 (G) customary occupational tools and equipment;
- 8-66 (H) maintenance;
- 8-67 (I) training books and materials; and
- 8-68 (J) other goods and services for which the
8-69 commission receives financial support under federal law.

8-70 Sec. 352.002. PURPOSE. It is the policy of this state to
8-71 provide vocational rehabilitation services to eligible individuals

9-1 with disabilities so that those individuals may prepare for and
 9-2 engage in a gainful occupation.

9-3 Sec. 352.003. REHABILITATION COUNCIL OF TEXAS. (a) The
 9-4 Rehabilitation Council of Texas operates in accordance with the
 9-5 federal Rehabilitation Act Amendments of 1992, Pub. L. No. 102-569,
 9-6 and the federal Rehabilitation Act Amendments of 1998, Pub. L. No.
 9-7 105-220.

9-8 (b) The Rehabilitation Council of Texas shall report to and
 9-9 advise the commission on the council's activities and the results
 9-10 of the council's work. For the purpose of performing its advisory
 9-11 functions, the council shall work with the commission, the
 9-12 executive director, and other commission staff.

9-13 (c) The commission shall adopt rules for the administration
 9-14 of the council.

9-15 Sec. 352.004. RECEIPT AND DISBURSEMENT OF STATE AND FEDERAL
 9-16 FUNDS. (a) The comptroller is custodian of federal funds received
 9-17 by the state to implement federal law relating to vocational
 9-18 rehabilitation.

9-19 (b) The commission shall certify for disbursement funds
 9-20 available for the vocational rehabilitation program in accordance
 9-21 with regulations.

9-22 (c) The comptroller shall disburse state and federal
 9-23 vocational rehabilitation funds on certification by the
 9-24 commission.

9-25 Sec. 352.005. GIFTS, DONATIONS, AND OTHER MONEY. (a) The
 9-26 commission shall deposit all money paid to the commission under
 9-27 this chapter in the state treasury. The money may be used only for
 9-28 the administration of this chapter.

9-29 (b) The commission may receive and use gifts and donations
 9-30 for carrying out the purposes of this chapter. A person may not
 9-31 receive payment for solicitation of any funds.

9-32 Sec. 352.006. MISUSE OF INFORMATION. Except for purposes
 9-33 directly connected with the administration of the vocational
 9-34 rehabilitation program and according to commission rules, no person
 9-35 may solicit, disclose, receive, use, or knowingly permit the use of
 9-36 records or other information concerning an applicant for or
 9-37 recipient of vocational rehabilitation services that is directly or
 9-38 indirectly acquired by an officer or employee of the state or its
 9-39 political subdivisions in the course of the person's official
 9-40 duties.

9-41 Sec. 352.007. CRIMINAL HISTORY RECORD INFORMATION.
 9-42 (a) The commission may obtain criminal history record information
 9-43 from the Texas Department of Criminal Justice and the Texas
 9-44 Department of Public Safety if the criminal history records relate
 9-45 to:

9-46 (1) an applicant selected for employment with the
 9-47 commission whose potential duties include direct contact with
 9-48 clients to provide vocational rehabilitation services or other
 9-49 services under this subtitle;

9-50 (2) an applicant for vocational rehabilitation
 9-51 services or other services under this subtitle from the commission;
 9-52 or

9-53 (3) a client receiving vocational rehabilitation
 9-54 services or other services under this subtitle.

9-55 (b) The Texas Department of Criminal Justice and the Texas
 9-56 Department of Public Safety on request shall supply to the
 9-57 commission criminal history record information relating to
 9-58 applicants selected for employment with the commission whose
 9-59 potential duties include direct contact with clients to provide
 9-60 vocational rehabilitation services, applicants for vocational
 9-61 rehabilitation services from the commission, or vocational
 9-62 rehabilitation clients of the commission. The commission shall
 9-63 treat all criminal history record information as privileged and
 9-64 confidential and for commission use only.

9-65 (c) The commission by rule shall establish criteria for
 9-66 denying a person's application for employment with the commission
 9-67 to provide vocational rehabilitation services based on criminal
 9-68 history record information obtained as authorized by this section.

9-69 Sec. 352.008. HEARINGS. An applicant for or recipient of
 9-70 vocational rehabilitation services who is aggrieved by an action or
 9-71 inaction under this chapter is entitled to a hearing by the

10-1 commission in accordance with law.

10-2 SUBCHAPTER B. GENERAL POWERS AND DUTIES

10-3 Sec. 352.051. VOCATIONAL REHABILITATION PROGRAM FOR
 10-4 INDIVIDUALS WITH DISABILITIES. (a) The commission shall conduct a
 10-5 program to provide vocational rehabilitation services to eligible
 10-6 individuals with disabilities.

10-7 (b) To achieve the purposes of the program, the commission
 10-8 may:

10-9 (1) cooperate with other public and private agencies
 10-10 in studying the problems involved in providing vocational
 10-11 rehabilitation and in establishing, developing, and providing
 10-12 necessary or desirable facilities and services;

10-13 (2) enter into reciprocal agreements with other states
 10-14 to provide vocational rehabilitation for the residents of the
 10-15 states concerned; and

10-16 (3) conduct research and compile statistics relating
 10-17 to the vocational rehabilitation of individuals with disabilities.

10-18 Sec. 352.052. COOPERATION WITH FEDERAL GOVERNMENT;
 10-19 OBTAINING FEDERAL FUNDS. (a) The commission shall cooperate with
 10-20 the federal government to accomplish the purposes of federal laws
 10-21 relating to vocational rehabilitation for individuals with
 10-22 disabilities and closely related activities.

10-23 (b) The commission shall negotiate agreements or plans with
 10-24 the federal government and shall use efficient methods of
 10-25 administration and comply with other conditions required to secure
 10-26 the full benefits of the federal laws. If the commission determines
 10-27 that a provision of state law precludes conformity with a federal
 10-28 requirement and limits federal financial support, the commission
 10-29 may waive or modify the state law to the extent necessary to obtain
 10-30 the full benefits of the federal law.

10-31 (c) The commission may comply with any requirements
 10-32 necessary to obtain federal funds to be used for vocational
 10-33 rehabilitation services in the maximum amount and most advantageous
 10-34 proportion possible.

10-35 Sec. 352.053. CONTRACTS FOR SERVICE. (a) The commission
 10-36 shall include in its contracts with service providers under this
 10-37 chapter provisions relating to:

10-38 (1) clearly defined and measurable program
 10-39 performance standards that directly relate to the service provided;

10-40 (2) clearly defined penalties for nonperformance of a
 10-41 contract term; and

10-42 (3) clearly specified accounting, reporting, and
 10-43 auditing requirements applicable to money received under the
 10-44 contract.

10-45 (b) The commission shall monitor a service provider's
 10-46 performance under a contract for service under this chapter. In
 10-47 monitoring performance, the commission shall:

10-48 (1) use a risk-assessment methodology to institute
 10-49 statewide monitoring of contract compliance of service providers;
 10-50 and

10-51 (2) evaluate service providers based on clearly
 10-52 defined and measurable program performance objectives.

10-53 Sec. 352.054. RATES FOR MEDICAL SERVICES. (a) The
 10-54 commission by rule shall adopt standards governing the
 10-55 determination of rates paid for medical services provided under
 10-56 this chapter. The rules must provide for an annual reevaluation of
 10-57 the rates.

10-58 (b) The commission shall establish a schedule of rates based
 10-59 on the standards adopted under Subsection (a). In adopting the rate
 10-60 schedule, the commission shall:

10-61 (1) compare the proposed rate schedule to other
 10-62 cost-based and resource-based rates for medical services,
 10-63 including rates paid under Medicaid and the Medicare program; and

10-64 (2) for any rate adopted that exceeds the Medicaid or
 10-65 Medicare rate for the same or a similar service, document the
 10-66 reasons why the adopted rate reflects consideration of the best
 10-67 value, provider availability, and consumer choice.

10-68 (c) The commission shall provide notice to interested
 10-69 persons and allow those persons to present comments before adopting
 10-70 the standards and schedule of rates under Subsections (a) and (b).

10-71 Sec. 352.055. CONTRACT PAYMENT. The commission shall base

11-1 payment under a contract for vocational rehabilitation services on
 11-2 outcome-based performance standards defined in the contract.

11-3 Sec. 352.056. CONTRACTS FOR ADAPTIVE TECHNOLOGY. The
 11-4 commission shall include in a contract under this chapter with a
 11-5 supplier of adaptive technology equipment provisions that require
 11-6 the supplier to provide training for clients receiving the adaptive
 11-7 technology equipment.

11-8 Sec. 352.057. LOANS FOR VISUAL AIDS. (a) The commission
 11-9 may establish a program to make loans to finance the purchase of
 11-10 technological aids for individuals with visual impairments.
 11-11 Interest on the loans may not exceed 10 percent per year.

11-12 (b) The commission may adopt rules to administer the loan
 11-13 program.

11-14 Sec. 352.058. SUBROGATION. (a) By providing a person
 11-15 rehabilitation services, including medical care services, under
 11-16 this subchapter, the commission is subrogated to the person's right
 11-17 of recovery from:

11-18 (1) personal insurance;
 11-19 (2) another person for personal injury caused by the
 11-20 other person's negligence or wrongdoing; or
 11-21 (3) any other source.

11-22 (b) The commission's right of subrogation is limited to the
 11-23 cost of the services provided.

11-24 (c) The commission may totally or partially waive the
 11-25 commission's right of subrogation when the commission finds that
 11-26 enforcement would tend to defeat the purpose of rehabilitation.

11-27 (d) The commission may adopt rules for the enforcement of
 11-28 the commission's right of subrogation.

11-29 Sec. 352.059. WORK INCENTIVES AND SUPPLEMENTAL SECURITY
 11-30 INCOME (SSI). The commission shall employ a person at the
 11-31 commission's central office to:

11-32 (1) train counselors to understand and use work
 11-33 incentives; and

11-34 (2) review cases to ensure that commission clients are
 11-35 informed of the availability of and assisted in obtaining work
 11-36 incentives and Supplemental Security Income (SSI) (42 U.S.C.
 11-37 Section 1381 et seq.).

11-38 SUBCHAPTER C. PROVISION OF AND ELIGIBILITY FOR VOCATIONAL
 11-39 REHABILITATION SERVICES

11-40 Sec. 352.101. INTEGRATION OF VOCATIONAL REHABILITATION
 11-41 PROGRAMS. (a) Not later than October 1, 2017, and subject to
 11-42 federal approval, the commission shall integrate into a single
 11-43 vocational rehabilitation program the following programs that are
 11-44 operated under the federal Rehabilitation Act of 1973 (29 U.S.C.
 11-45 Sections 720 through 751):

11-46 (1) the vocational rehabilitation program for
 11-47 individuals with visual impairments; and

11-48 (2) the vocational rehabilitation program for
 11-49 individuals with other disabilities.

11-50 (b) Not later than October 1, 2017, to facilitate the
 11-51 integration of the vocational rehabilitation programs identified
 11-52 in Subsection (a), the commission shall at a minimum:

11-53 (1) reorganize the commission's vocational
 11-54 rehabilitation services in order to provide services based on an
 11-55 individual's functional need instead of an individual's type of
 11-56 disability;

11-57 (2) develop a plan to support specialization of
 11-58 vocational rehabilitation counselors in serving different client
 11-59 populations, including sufficient specialization in individuals
 11-60 with visual impairments to maintain expertise in serving that
 11-61 population;

11-62 (3) redesign performance measures for the provision of
 11-63 vocational rehabilitation services;

11-64 (4) consolidate policies for the provision of
 11-65 vocational rehabilitation services; and

11-66 (5) recommend the adoption of any rules necessary to
 11-67 implement this section.

11-68 (c) This section expires September 1, 2019.

11-69 Sec. 352.102. ELIGIBILITY FOR VOCATIONAL REHABILITATION
 11-70 SERVICES. The commission shall provide vocational rehabilitation
 11-71 services to individuals with disabilities eligible for those

12-1 services under federal law.

12-2 Sec. 352.103. PROVISION OF VOCATIONAL REHABILITATION
 12-3 SERVICES. (a) The commission by rule shall establish and maintain
 12-4 guidelines for providing vocational rehabilitation services that
 12-5 are consistent with state and federal laws and that include:

12-6 (1) a system of organization for the delivery of
 12-7 vocational rehabilitation services statewide;

12-8 (2) eligibility requirements for vocational
 12-9 rehabilitation services;

12-10 (3) requirements for the rehabilitation planning
 12-11 process;

12-12 (4) the types of services that may be provided to a
 12-13 client through a vocational rehabilitation program; and

12-14 (5) requirements for client participation in the costs
 12-15 of vocational rehabilitation services, including documentation
 12-16 that a client has sought benefits for which the client is eligible
 12-17 from sources other than the commission and that may assist the
 12-18 client in obtaining vocational rehabilitation goods or services.

12-19 (b) The commission shall annually assess the effectiveness
 12-20 of the state's vocational rehabilitation program.

12-21 Sec. 352.104. TRAINING AND SUPERVISION OF COUNSELORS.

12-22 (a) The commission shall provide specific guidance to vocational
 12-23 rehabilitation counselors in:

12-24 (1) selecting vocational objectives according to a
 12-25 client's skills, experience, and knowledge;

12-26 (2) documenting a client's impediment to employment;

12-27 (3) selecting rehabilitation services that are
 12-28 reasonable and necessary to achieve a client's vocational
 12-29 objective;

12-30 (4) measuring client progress toward the vocational
 12-31 objective, including the documented, periodic evaluation of the
 12-32 client's rehabilitation and participation; and

12-33 (5) determining eligibility of employed and
 12-34 unemployed applicants for rehabilitation services using criteria
 12-35 defined by commission rule to document whether a client is
 12-36 substantially underemployed or at risk of losing employment.

12-37 (b) The commission by rule shall require monitoring and
 12-38 oversight of vocational rehabilitation counselor performance and
 12-39 decision making in accordance with this section.

12-40 Sec. 352.105. SPECIALIZED TRAINING FOR CERTAIN EMPLOYEES.

12-41 (a) The commission shall establish and require employee
 12-42 participation in a specialized training program for certain
 12-43 employees, including vocational rehabilitation transition
 12-44 specialists and transition counselors, whose duties involve
 12-45 assisting youth with disabilities to transition to post-schooling
 12-46 activities, services for adults, or community living.

12-47 (b) The training program must provide employees with
 12-48 information regarding:

12-49 (1) supports and services available from health and
 12-50 human services agencies, as defined by Section 531.001, Government
 12-51 Code, for:

12-52 (A) youth with disabilities who are
 12-53 transitioning into post-schooling activities, services for adults,
 12-54 or community living; and

12-55 (B) adults with disabilities;

12-56 (2) community resources available to improve the
 12-57 quality of life for:

12-58 (A) youth with disabilities who are
 12-59 transitioning into post-schooling activities, services for adults,
 12-60 or community living; and

12-61 (B) adults with disabilities; and

12-62 (3) other available resources that may remove
 12-63 transitional barriers for youth with disabilities who are
 12-64 transitioning into post-schooling activities, services for adults,
 12-65 or community living.

12-66 (c) In developing the training program required by this
 12-67 section, the commission shall collaborate with health and human
 12-68 services agencies, as defined by Section 531.001, Government Code,
 12-69 as necessary.

12-70 Sec. 352.106. PAYMENT OF SHIFT DIFFERENTIALS. The
 12-71 commission by rule may develop and implement policies allowing

13-1 shift differentials to be paid to employees in the vocational
 13-2 rehabilitation program under this chapter.

13-3 Sec. 352.107. CLIENT ORIENTATION MATERIALS. The commission
 13-4 shall develop and distribute at intake client orientation materials
 13-5 for the vocational rehabilitation program that include information
 13-6 on the commission's decision-making criteria.

13-7 Sec. 352.108. COORDINATION WITH TEXAS EDUCATION AGENCY.

13-8 (a) For purposes of this section, "transition services" means
 13-9 services provided to students with disabilities to assist the
 13-10 students in making the transition from secondary school to
 13-11 postsecondary education programs or competitive integrated
 13-12 employment.

13-13 (b) The commission and the Texas Education Agency shall
 13-14 collaborate to develop a mechanism to identify the areas of the
 13-15 state with the greatest needs for transition services for students
 13-16 with disabilities. The mechanism must account for the commission's
 13-17 limited resources and a school district's needs, including:

13-18 (1) the school district's resources for special
 13-19 education;

13-20 (2) the number of students with disabilities in the
 13-21 school district; and

13-22 (3) other factors that the commission and the Texas
 13-23 Education Agency consider important.

13-24 (c) The commission and the Texas Education Agency shall
 13-25 update the mechanism developed under Subsection (b) on a periodic
 13-26 basis.

13-27 (d) The commission shall develop uniform, statewide
 13-28 policies for transition services that include:

13-29 (1) the goal that a transition counselor initiate
 13-30 contact with a student approximately three years before the student
 13-31 is expected to graduate from high school;

13-32 (2) the minimum level of services to be provided to a
 13-33 student at the time that a transition counselor initiates contact
 13-34 with the student;

13-35 (3) standards, based on the mechanism developed under
 13-36 Subsection (b), for assigning a transition counselor to a school
 13-37 that ensure consistency among regions but that are not too
 13-38 restrictive;

13-39 (4) expectations for transition counselors to develop
 13-40 relationships with school personnel, including the employee
 13-41 designated to serve as the school district's designee on transition
 13-42 and employment services under Section 29.011(b), Education Code;
 13-43 and

13-44 (5) expectations for regional commission staff to work
 13-45 with education service center representatives on a regular basis to
 13-46 identify areas of greatest need and to discuss local strategies for
 13-47 coordination between transition counselors and schools.

13-48 (e) The commission and the Texas Education Agency shall
 13-49 enter into a memorandum of understanding to comply with the
 13-50 policies under this section and to improve coordination between the
 13-51 agencies. The memorandum of understanding must include:

13-52 (1) strategies to better inform transition clients,
 13-53 clients' families, and school personnel regarding the commission's
 13-54 available services and contact information for commission
 13-55 transition counselors; and

13-56 (2) a process to be used by the commission and the
 13-57 Texas Education Agency to develop and update the mechanism used to
 13-58 identify students who may need services.

13-59 (f) On or after September 1, 2016, but not later than
 13-60 September 1, 2017:

13-61 (1) the commission and the Texas Education Agency
 13-62 shall develop the mechanism required in Subsection (b) and enter
 13-63 into the memorandum of understanding required in Subsection (e);
 13-64 and

13-65 (2) the commission shall develop the policies
 13-66 described in Subsection (d).

13-67 (g) Subsection (f) and this subsection expire September 1,
 13-68 2018.

13-69 CHAPTER 353. INDEPENDENT LIVING SERVICES

13-70 Sec. 353.001. DEFINITION. In this chapter, "center for
 13-71 independent living" has the meaning assigned by Section 702 of the

14-1 federal Rehabilitation Act of 1973 (29 U.S.C. Section 796a).

14-2 Sec. 353.002. INTEGRATION OF INDEPENDENT LIVING SERVICES
 14-3 PROGRAMS. (a) Not later than September 1, 2017, the commission
 14-4 shall integrate into a single independent living services program
 14-5 the following programs that the commission operates under Title VII
 14-6 of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 796 et
 14-7 seq.):

14-8 (1) the Independent Living Program for individuals who
 14-9 are blind or have visual impairments;

14-10 (2) the Independent Living Services Program for
 14-11 individuals with significant disabilities; and

14-12 (3) the Independent Living Services Program for older
 14-13 individuals who are blind.

14-14 (b) The commission shall adopt any rules necessary to
 14-15 facilitate the integration of the programs identified in Subsection
 14-16 (a), including rules that direct the commission, as the single
 14-17 designated state entity responsible for administering the state's
 14-18 independent living services program, to comply with the
 14-19 requirements of 29 U.S.C. Section 796c for the integrated program.

14-20 (c) This section expires September 1, 2018.

14-21 Sec. 353.003. PROVISION OF INDEPENDENT LIVING SERVICES.

14-22 (a) The commission shall ensure that all services provided under
 14-23 the independent living services program that the commission
 14-24 operates under Title VII of the federal Rehabilitation Act of 1973
 14-25 (29 U.S.C. Section 796 et seq.) are directly provided by centers for
 14-26 independent living, except as provided by Subsection (b), and are
 14-27 not directly provided by the commission.

14-28 (b) If an area of the state does not have a center for
 14-29 independent living, or no center for independent living in that
 14-30 area is able to provide certain necessary services under the
 14-31 independent living services program, the commission shall seek to
 14-32 identify a center for independent living that is willing and able to
 14-33 contract with a nonprofit organization or other person to provide
 14-34 the independent living services in the area under the program. If
 14-35 no center for independent living is willing and able to contract
 14-36 with another organization or other person, the commission may
 14-37 directly contract with an organization or other person who is not a
 14-38 center for independent living to provide the independent living
 14-39 services in the area under the program.

14-40 (c) The commission shall evaluate the independent living
 14-41 services provided by a center for independent living and shall
 14-42 provide necessary training or technical assistance to help the
 14-43 center for independent living expand its capacity to provide a full
 14-44 range of independent living services.

14-45 (d) The commission shall monitor the performance of each
 14-46 center for independent living in providing independent living
 14-47 services, including how the center for independent living monitors
 14-48 the performance of the organizations and other persons with whom it
 14-49 contracts to provide independent living services.

14-50 (e) The commission shall adopt rules to implement this
 14-51 section that include:

14-52 (1) an equitable and transparent methodology for
 14-53 allocating funds to centers for independent living under the
 14-54 independent living services program;

14-55 (2) requirements applicable to the commission in
 14-56 contracting with centers for independent living to provide
 14-57 independent living services under the program;

14-58 (3) requirements applicable to centers for
 14-59 independent living in contracting with organizations and other
 14-60 persons to provide independent living services under the program;

14-61 (4) requirements applicable to the commission in
 14-62 contracting with organizations or other persons who are not centers
 14-63 for independent living to provide independent living services under
 14-64 the program;

14-65 (5) a process for the commission to monitor
 14-66 independent living services contracts;

14-67 (6) guidelines on the commission's role in providing
 14-68 technical assistance and training to centers for independent living
 14-69 as necessary; and

14-70 (7) expectations for commission employees to refer
 14-71 persons who contact the commission seeking independent living

15-1 services to centers for independent living.

15-2 (f) Notwithstanding the requirements of this section, the
 15-3 commission shall ensure that services provided under the
 15-4 independent living services program are provided as required by
 15-5 this section not later than August 31, 2017. This subsection
 15-6 expires September 1, 2018.

15-7 CHAPTER 354. SOCIAL SECURITY DISABILITY DETERMINATION SERVICES

15-8 Sec. 354.001. COOPERATION WITH FEDERAL GOVERNMENT ON SOCIAL
 15-9 SECURITY DISABILITY DETERMINATION SERVICES. To the extent
 15-10 resources are made available by the federal government, the
 15-11 commission may make agreements, arrangements, or plans to cooperate
 15-12 with the federal government in carrying out the purposes of any
 15-13 federal statute pertaining to the disability determination
 15-14 function under the Social Security Act.

15-15 Sec. 354.002. METHODS OF ADMINISTRATION. To achieve the
 15-16 purposes of Section 354.001, the commission shall adopt methods of
 15-17 administration that:

15-18 (1) are found by the federal government to be
 15-19 necessary to the disability determination function; and

15-20 (2) are not contrary to existing state laws.

15-21 SECTION 25. Chapter 94, Human Resources Code, as amended by
 15-22 S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015,
 15-23 is transferred to Subtitle C, Title 4, Labor Code, as added by this
 15-24 Act, redesignated as Chapter 355, Labor Code, and amended to read as
 15-25 follows:

15-26 CHAPTER 355 [~~94~~]. VENDING FACILITIES OPERATED BY BLIND PERSONS

15-27 Sec. 355.001 [~~94.001~~]. DEFINITIONS. In this chapter:

15-28 (1) "Blind person" means a person having not more than
 15-29 20/200 visual acuity in the better eye with correcting lenses or
 15-30 visual acuity greater than 20/200 but with a limitation in the field
 15-31 of vision such that the widest diameter of the visual field subtends
 15-32 an angle no greater than 20 degrees.

15-33 [~~(1-a) "Department" means the Department of Assistive~~
 15-34 ~~and Rehabilitative Services.~~

15-35 [~~(1-b) "Executive commissioner" means the executive~~
 15-36 ~~commissioner of the Health and Human Services Commission.]~~

15-37 (2) "Vending facility" means a facility in which food,
 15-38 drinks, drugs, novelties, souvenirs, tobacco products, notions, or
 15-39 related items are sold regularly. The term excludes facilities
 15-40 consisting solely of vending machines that do not compete directly
 15-41 or indirectly with a facility that is or could be operated by a
 15-42 person with a disability.

15-43 (3) "State property" means land and buildings owned,
 15-44 leased, or otherwise controlled by the state.

15-45 (4) "Agency" means the state agency in charge of state
 15-46 property.

15-47 (5) "Disability" means a physical or mental condition
 15-48 that the commission [~~department~~] determines to constitute a
 15-49 substantial vocational disadvantage.

15-50 Sec. 355.002 [~~94.002~~]. LICENSE OR PERMIT REQUIRED. (a) No
 15-51 person may operate a vending facility or a facility with vending
 15-52 machines or other coin-operated devices on state property unless
 15-53 the person is licensed to do so by the commission [~~department~~] or is
 15-54 authorized to do so by an agency granted a permit to arrange for
 15-55 vending facilities.

15-56 (b) Subsection (a) does not apply to a building in which the
 15-57 Texas Facilities Commission leases space to a private tenant under
 15-58 Subchapter E, Chapter 2165, Government Code.

15-59 Sec. 355.003 [~~94.003~~]. LICENSING PROCEDURE. (a) On its
 15-60 own initiative or at the request of an agency that controls state
 15-61 property, the commission [~~department~~] shall survey the property, or
 15-62 blueprints and other available information concerning the
 15-63 property, to determine whether the installation of a vending
 15-64 facility is feasible and consonant with the commission's
 15-65 [~~department's~~] vocational rehabilitation objectives.

15-66 (b) If the installation of the facility is feasible, the
 15-67 commission [~~department~~] shall either license a blind person to
 15-68 operate a facility to be installed by the commission [~~department~~]
 15-69 or install a facility to be operated by a person with a disability
 15-70 who is not blind according to rules and procedures adopted by the
 15-71 commission [~~executive commissioner~~].

16-1 Sec. 355.004 [~~94.004~~]. LOCATION OF VENDING FACILITIES.
 16-2 (a) With the concurrence of the agency in charge of state
 16-3 property, the commission [~~department~~] shall designate the location
 16-4 of vending facilities that have been requested by the agency.

16-5 (b) The agency responsible for state property shall alter
 16-6 the property to make it suitable for the proper operation of the
 16-7 vending facilities. To this end, the agency in charge of
 16-8 constructing new state property shall consult with the commission
 16-9 [~~department~~] during the planning stage on the construction.

16-10 Sec. 355.005 [~~94.005~~]. ISSUANCE OF LICENSES; ELIGIBILITY.

16-11 (a) The commission [~~department~~] may issue a license to operate its
 16-12 vending facilities on state property to blind citizens of the state
 16-13 who are capable of operating the facilities in a manner that is
 16-14 reasonably satisfactory to all parties concerned.

16-15 (b) Before issuing a license to a person, the commission
 16-16 [~~department~~] shall determine whether the person has the physical,
 16-17 psychological, and personal traits and abilities required to
 16-18 operate a vending facility in a satisfactory manner.

16-19 (c) The commission [~~department~~] shall maintain a roster of
 16-20 the names of each person who has been certified as suitable for
 16-21 licensing. If two or more equally qualified persons are listed on
 16-22 the roster and apply for a license to operate an available vending
 16-23 facility, the commission [~~department~~] shall issue the license to
 16-24 the person who is most in need of employment.

16-25 (d) The granting of a license does not vest the licensee
 16-26 with property or other rights which may constitute the basis of a
 16-27 cause of action, at law or in equity, against the state or its
 16-28 officers or employees.

16-29 Sec. 355.006 [~~94.006~~]. EXPIRATION, RENEWAL, AND REVOCATION
 16-30 OF LICENSES. (a) A license or general permit to operate a vending
 16-31 facility on state property is valid for a period of three years from
 16-32 the date it is issued.

16-33 (b) The commission [~~department~~] shall review each license
 16-34 or permit prior to its expiration and shall issue a new or different
 16-35 license or permit as the circumstances warrant.

16-36 (c) The commission [~~department~~] and the agency may consent
 16-37 mutually to revoke a general permit prior to its expiration if
 16-38 changed circumstances warrant that action.

16-39 (d) A blind person's wilful failure to comply with the
 16-40 commission's [~~department's~~] rules or the provisions of this chapter
 16-41 constitutes grounds for the automatic revocation of the person's
 16-42 license.

16-43 (e) The commission [~~executive commissioner~~] shall adopt
 16-44 substantive and procedural rules governing the revocation of
 16-45 licenses.

16-46 Sec. 355.007 [~~94.007~~]. OPERATION OF VENDING FACILITIES BY
 16-47 CERTAIN PERSONS WHO ARE NOT BLIND. If the commission [~~department~~]
 16-48 determines that a blind person could not properly operate a vending
 16-49 facility at a particular location, the commission [~~department~~] may
 16-50 survey the property to determine whether a person with a disability
 16-51 that is not of a visual nature could operate the facility in a
 16-52 proper manner.

16-53 Sec. 355.008 [~~94.008~~]. CLOSING CERTAIN FACILITIES
 16-54 PROHIBITED. Neither a vending facility operated by an individual
 16-55 with a disability, nor a vending facility location surveyed by the
 16-56 commission [~~department~~], may be closed as a result of the transfer
 16-57 of state property from one agency to another, the alteration of a
 16-58 state building, or the reorganization of a state agency unless the
 16-59 commission [~~department~~] agrees to the closing.

16-60 Sec. 355.009 [~~94.009~~]. EMPLOYMENT OF ASSISTANTS. (a) If
 16-61 an individual licensed to operate a vending facility on state
 16-62 property requires an assistant, a qualified person with a
 16-63 disability of a visual nature must be given preference for
 16-64 employment. If the commission [~~department~~] determines that a
 16-65 person with a disability of a visual nature could not perform the
 16-66 labor for which an assistant is required, or if a person with a
 16-67 disability of a visual nature is not available, a person with a
 16-68 disability that is not of a visual nature must be given preference
 16-69 for employment. [~~If no person with a disability is available for~~
 16-70 ~~the job, preference must be given to a person who is socially,~~
 16-71 ~~culturally, economically, or educationally disadvantaged.]~~

17-1 (b) An assistant employed by a blind person licensed by the
 17-2 commission [~~department~~] must be approved by the commission
 17-3 [~~department~~], and the deliberate refusal of a blind licensee to
 17-4 comply with this section constitutes grounds for the revocation of
 17-5 the person's [~~his or her~~] license.

17-6 Sec. 355.010 [~~94.010~~]. COMPETING VENDING MACHINES.

17-7 (a) If the commission [~~department~~] and an agency agree to the
 17-8 installation and operation of an additional vending facility or
 17-9 vending machine on property that already has a commission-sponsored
 17-10 [~~department-sponsored~~] vending facility, no additional permit or
 17-11 license is required. However, the installation of a competing
 17-12 vending facility consisting of vending machines or other
 17-13 coin-operated devices must be authorized by the commission
 17-14 [~~department~~]. The commission's [~~department's~~] authorization must
 17-15 be made with a view toward providing the greatest economic benefits
 17-16 for blind persons consonant with supplying the additional services
 17-17 required at the building.

17-18 (b) State agencies shall cooperate and negotiate in good
 17-19 faith to accomplish the purposes of this chapter.

17-20 (c) Individuals with disabilities who operate vending
 17-21 facilities on state property are entitled to receive all
 17-22 commissions from vending machines installed on the same property.
 17-23 If two or more vending facilities are operated by individuals with
 17-24 disabilities in a building in which vending machines are installed,
 17-25 the commission [~~department~~] shall divide the commissions from the
 17-26 vending machines among the operators with disabilities in a manner
 17-27 that will achieve equity and equality in the incomes of those
 17-28 operators. If the commission [~~department~~] has decided not to
 17-29 locate a vending facility in a building, the agency to whom a
 17-30 general permit has been issued shall determine the assignment of
 17-31 the commissions from vending machines installed in the building.

17-32 Sec. 355.011 [~~94.011~~]. VENDING FACILITY EQUIPMENT AND
 17-33 STOCK. (a) The commission [~~department~~] may supply a blind vending
 17-34 facility operator with equipment and initial stock necessary for
 17-35 the operator to begin business.

17-36 (b) The commission [~~department~~] shall collect and set aside
 17-37 from the proceeds of the operation of its vending facilities enough
 17-38 money:

17-39 (1) to insure a sufficient amount of initial stock for
 17-40 the facilities and for their proper maintenance;

17-41 (2) to pay the costs of supervision and other expenses
 17-42 incidental to the operation of the facilities; and

17-43 (3) to pay other program costs to the extent necessary
 17-44 to assure fair and equal treatment of the blind persons licensed to
 17-45 operate the facilities and to the extent allowed under federal
 17-46 programs that provide financial support to the commission
 17-47 [~~department~~].

17-48 (c) Except for purchasing and installing original
 17-49 equipment, the operation of commission-sponsored
 17-50 [~~department-sponsored~~] vending facilities must be as
 17-51 self-supporting and self-sustaining as possible. To achieve this
 17-52 end, the commission [~~department~~] shall periodically review and,
 17-53 when necessary, revise its schedules for collecting and setting
 17-54 aside money from the proceeds of its vending facilities.

17-55 Sec. 355.012 [~~94.012~~]. DUTIES AND PRIVILEGES OF PARTIES.

17-56 (a) The commission [~~executive commissioner~~] may promulgate rules
 17-57 and [~~the department may~~] initiate procedures necessary to implement
 17-58 this chapter.

17-59 (b) A blind person licensed to operate a vending facility on
 17-60 state property shall operate the facility in accordance with law
 17-61 and the commission's [~~department's~~] rules and policies.

17-62 (c) The agency in charge of state property shall cooperate
 17-63 with the commission [~~department~~] and its blind licensees to
 17-64 accomplish the purposes of this chapter. The agency shall also
 17-65 furnish all necessary utility service, including connections and
 17-66 outlets required for the installation of the facility, janitorial
 17-67 and garbage disposal services where feasible, and other related
 17-68 assistance.

17-69 Sec. 355.013 [~~94.013~~]. TRAINING PROGRAMS. The commission
 17-70 [~~department~~] may establish training or experimentation locations
 17-71 necessary to train blind persons who desire to be licensed to

18-1 operate vending facilities and to develop techniques which will
 18-2 allow blind persons to operate the facilities or related types of
 18-3 small businesses more efficiently and productively.

18-4 Sec. 355.014 [~~94.014~~]. CONFORMITY WITH FEDERAL STATUTES.

18-5 (a) This chapter shall be construed in a manner consistent with
 18-6 the requirements of federal programs that provide financial
 18-7 assistance to the commission [~~department~~].

18-8 (b) If a provision of this chapter conflicts with a federal
 18-9 program requirement, the commission [~~department~~] may waive or
 18-10 modify the provision to the extent necessary to secure the full
 18-11 benefits of the federal program.

18-12 Sec. 355.015 [~~94.015~~]. APPLICATION OF CHAPTER. (a) This
 18-13 chapter does not apply to:

18-14 (1) property over which the federal government
 18-15 maintains partial or complete control;

18-16 (2) property maintained and operated by
 18-17 state-supported institutions of higher education; provided,
 18-18 however, that the commission [~~department~~] may enter into agreements
 18-19 with state institutions of higher education concerning the use of
 18-20 blind labor in vending facilities at the institutions; or

18-21 (3) property purchased by the state or an agency of the
 18-22 state, property to which title is transferred from one state agency
 18-23 to another, or property control of which is transferred from one
 18-24 state agency to another, if:

18-25 (A) at the time of purchase or transfer of title
 18-26 or control, a vending facility is being operated on the property
 18-27 under lease, license, or contract; and

18-28 (B) prior to the time of purchase or transfer of
 18-29 title or control, the provisions of this chapter were rendered
 18-30 inapplicable to such property by this section or other law.

18-31 (b) This chapter does not apply to vending facilities
 18-32 operated by an institution for persons with mental illness or
 18-33 intellectual disabilities that is under the control of the
 18-34 Department of State Health Services, the Department of Aging and
 18-35 Disability Services, or a successor to one of those departments, if
 18-36 the vending facilities are operated without profit for the benefit
 18-37 of the patients at the institution.

18-38 (c) This chapter does not prohibit the commission
 18-39 [~~department~~] from selecting blind persons to operate other suitable
 18-40 types of vending facilities or business enterprises, and the
 18-41 chapter does not prohibit the installation of automated vending
 18-42 facilities serviced by blind persons.

18-43 Sec. 355.016 [~~94.016~~]. BUSINESS ENTERPRISES PROGRAM.

18-44 (a) The commission [~~department~~] is authorized to administer the
 18-45 Business Enterprises Program in accordance with the provisions of
 18-46 the Randolph-Sheppard Act (20 U.S.C. Section 107 et seq.).

18-47 (b) The commission [~~department~~] is authorized to administer
 18-48 a retirement program for individuals licensed to operate vending
 18-49 facilities in accordance with applicable state and federal laws.

18-50 (c) A trust fund for a retirement program for individuals
 18-51 licensed to operate vending facilities under the Business
 18-52 Enterprises Program is established with the comptroller. This
 18-53 trust fund will be set up in the state treasury.

18-54 (d) All federal vending machine income shall be credited to
 18-55 this Business Enterprises Program trust fund. Vending machine
 18-56 income, as defined by 34 C.F.R. Section 395.1(z), means receipts
 18-57 (other than those of a blind vendor) from vending machine
 18-58 operations on federal property, after deducting the cost of goods
 18-59 sold (including reasonable service and maintenance costs) in
 18-60 accordance with customary business practices of commercial vending
 18-61 concerns, where the machines are operated, serviced, or maintained
 18-62 by, or with the approval of, a department, agency, or
 18-63 instrumentality of the United States, or commissions paid (other
 18-64 than to a blind vendor) by a commercial vending concern which
 18-65 operates, services, and maintains vending machines on federal
 18-66 property for, or with the approval of, a department, agency, or
 18-67 instrumentality of the United States.

18-68 (e) All expenditures authorized by the Randolph-Sheppard
 18-69 Act from federal vending revenue funds shall be paid from the
 18-70 Business Enterprises Program trust fund.

18-71 (f) The commission [~~department~~] may contract with a

19-1 professional management service to administer the Business
 19-2 Enterprises Program trust fund. In administering the trust fund,
 19-3 the professional management service may acquire, exchange, sell, or
 19-4 retain any kind of investment that a prudent investor, exercising
 19-5 reasonable care, skill, and caution, would acquire, exchange, sell,
 19-6 or retain under the circumstances, taking into consideration the
 19-7 investment of all the assets of the trust fund.

19-8 (g) With the approval of the comptroller, the commission
 19-9 [~~department~~] may select a commercial bank, depository trust
 19-10 company, or other entity to serve as a custodian of the Business
 19-11 Enterprises Program trust fund's securities, and money realized
 19-12 from those securities, pending completion of an investment
 19-13 transaction. Money realized from those securities must be:

19-14 (1) reinvested not later than one business day after
 19-15 the date it is received; or

19-16 (2) deposited in the treasury not later than the fifth
 19-17 business day after the date it is received.

19-18 SECTION 26. Section 301.0015, Property Code, is amended to
 19-19 read as follows:

19-20 Sec. 301.0015. TEXAS WORKFORCE COMMISSION [~~CIVIL RIGHTS~~
 19-21 ~~DIVISION~~]. The powers and duties exercised by the Commission on
 19-22 Human Rights under this chapter are transferred to the Texas
 19-23 Workforce Commission [~~civil rights division~~]. A reference in this
 19-24 chapter to the "commission" means the Texas Workforce Commission
 19-25 [~~civil rights division~~].

19-26 SECTION 27. The following provisions, including provisions
 19-27 amended by, or redesignated and amended by, S.B. No. 219, Acts of
 19-28 the 84th Legislature, Regular Session, 2015, are repealed:

- 19-29 (1) Section 132.201(b), Education Code;
 19-30 (2) Subchapter F, Chapter 419, Government Code;
 19-31 (3) Section 91.016(e), Human Resources Code;
 19-32 (4) Subchapter E, Chapter 91, Human Resources Code;
 19-33 (5) Section 111.016, Human Resources Code;
 19-34 (6) Section 111.0205, Human Resources Code;
 19-35 (7) Section 111.053(b), Human Resources Code;
 19-36 (8) Section 111.061, Human Resources Code;
 19-37 (9) Section 117.058, Human Resources Code;
 19-38 (10) Subchapter F, Chapter 117, Human Resources Code;

19-39 and

- 19-40 (11) Sections 301.151(3) and 301.152, Labor Code.

19-41 SECTION 28. (a) Except as provided by Subsection (b) of
 19-42 this section, not later than September 1, 2016, the Texas Workforce
 19-43 Commission shall adopt all rules, policies, and procedures required
 19-44 by the changes in law made by this Act.

19-45 (b) Not later than September 1, 2017, the Texas Workforce
 19-46 Commission shall adopt all rules, policies, and procedures required
 19-47 by Subtitle C, Title 4, Labor Code, as added by this Act.

19-48 (c) Section 301.157, Labor Code, as added by this Act,
 19-49 applies beginning with the annual report submitted to the governor
 19-50 and the legislature by the Texas Workforce Commission that covers
 19-51 the state fiscal year ending August 31, 2015.

19-52 SECTION 29. On the effective date of this Act, the human
 19-53 rights commission that governed the Texas Workforce Commission
 19-54 civil rights division under Section 301.153, Labor Code, before the
 19-55 effective date of this Act is abolished. The validity of an action
 19-56 taken by the human rights commission before that date is not
 19-57 affected by the abolition. The changes in law made by this Act do
 19-58 not affect a case or proceeding pending under Chapter 21, Labor
 19-59 Code, or Chapter 301, Property Code, on the effective date of this
 19-60 Act.

19-61 SECTION 30. (a) On September 1, 2016, subject to receipt of
 19-62 federal approval, if required, for the Texas Workforce Commission
 19-63 to administer vocational rehabilitation services and other
 19-64 services and programs under Subtitle C, Title 4, Labor Code, as
 19-65 added by this Act:

19-66 (1) those services and programs and related powers,
 19-67 duties, functions, and activities, including rulemaking authority,
 19-68 are transferred to the Texas Workforce Commission;

19-69 (2) all obligations and contracts of the Department of
 19-70 Assistive and Rehabilitative Services that are related to a
 19-71 transferred service or program are transferred to the Texas

20-1 Workforce Commission;

20-2 (3) all property and records in the custody of the
20-3 Department of Assistive and Rehabilitative Services, including
20-4 information technology systems, that are related to a transferred
20-5 service or program and all funds appropriated by the legislature
20-6 and other money for the service or program shall be transferred to
20-7 the Texas Workforce Commission; and

20-8 (4) all complaints, investigations, or contested
20-9 cases that are pending before the Department of Assistive and
20-10 Rehabilitative Services that are related to a transferred service
20-11 or program are transferred without change in status to the Texas
20-12 Workforce Commission.

20-13 (b) After a transfer of services and programs occurs under
20-14 Subsection (a) of this section, a rule or form adopted by the
20-15 executive commissioner of the Health and Human Services Commission
20-16 or by the Department of Assistive and Rehabilitative Services, as
20-17 applicable, that relates to a transferred service or program is a
20-18 rule or form of the Texas Workforce Commission and remains in effect
20-19 until altered by the Texas Workforce Commission.

20-20 (c) After a transfer of services and programs occurs under
20-21 Subsection (a) of this section, a reference in law to the executive
20-22 commissioner of the Health and Human Services Commission or the
20-23 Department of Assistive and Rehabilitative Services that relates to
20-24 a transferred service or program means the Texas Workforce
20-25 Commission.

20-26 (d) After a transfer of services and programs occurs under
20-27 Subsection (a) of this section, a license, permit, or certification
20-28 in effect that was issued by the Department of Assistive and
20-29 Rehabilitative Services and that relates to a transferred service
20-30 or program is continued in effect as a license, permit, or
20-31 certification of the Texas Workforce Commission.

20-32 SECTION 31. As soon as practicable after the effective date
20-33 of this Act, the Texas Workforce Commission and the Health and Human
20-34 Services Commission, in consultation with the Texas Facilities
20-35 Commission, shall develop a plan for leased office or building
20-36 space where staff that will be affected by the transfer of the
20-37 administration of services and programs to the Texas Workforce
20-38 Commission under this Act are located. The plan developed under
20-39 this section must:

20-40 (1) identify all leased office or building space where
20-41 staff that will be affected by the transfers are located or
20-42 co-located;

20-43 (2) identify the term and costs of each existing
20-44 lease;

20-45 (3) identify the feasibility of canceling a lease or
20-46 consolidating office or building space based on the factors set out
20-47 in state law, including the General Appropriations Act;

20-48 (4) identify the location of each leased office or
20-49 building space and its proximity to relevant client populations;
20-50 and

20-51 (5) include a recommendation for either the
20-52 cancellation or continued use of each leased office or building
20-53 space based on the best values for the state.

20-54 SECTION 32. (a) As soon as practicable after the effective
20-55 date of this Act, but not later than October 1, 2015, the Health and
20-56 Human Services Commission, the Department of Assistive and
20-57 Rehabilitative Services, and the Texas Workforce Commission shall
20-58 complete the development of a plan for transitioning data and
20-59 information technology systems that support the administration of
20-60 services and programs under Subtitle C, Title 4, Labor Code, as
20-61 added by this Act, from the Department of Assistive and
20-62 Rehabilitative Services and the Health and Human Services
20-63 Commission to the Texas Workforce Commission. The Legislature
20-64 finds that planning for the timely and successful transition of
20-65 data and information technology systems is essential to the
20-66 administration of these services and programs.

20-67 (b) The plan developed under this section must:

20-68 (1) identify the purpose or need for each of the data
20-69 and information technology systems;

20-70 (2) identify how the data and information technology
20-71 systems will be used;

21-1 (3) identify the date the data and information
21-2 technology system will be shared with the Texas Workforce
21-3 Commission;

21-4 (4) identify the persons or classes of persons at each
21-5 agency who require access to information to implement the plan;

21-6 (5) require the appropriate privacy and security
21-7 controls for access;

21-8 (6) limit the disclosure of personal information to
21-9 the minimum amount necessary to accomplish the purpose of the plan;
21-10 and

21-11 (7) to the extent federal approval is required to
21-12 implement any part of the plan, require the agencies to obtain the
21-13 required federal approvals before implementing that part of the
21-14 plan.

21-15 (c) Notwithstanding any other law, not later than October 1,
21-16 2015, the agencies shall share information as needed to implement
21-17 the plan developed under this section, subject to the plan's
21-18 requirements and execution of all agreements necessary to ensure
21-19 the privacy, security, and confidentiality of the information.

21-20 (d) The agencies shall coordinate activities under the plan
21-21 as needed to reflect any changes in circumstances or direction.

21-22 SECTION 33. The Department of Assistive and Rehabilitative
21-23 Services and the Texas Workforce Commission shall actively seek any
21-24 required federal approval to transfer the administration of
21-25 services and programs under Subtitle C, Title 4, Labor Code, as
21-26 added by this Act, from the department to the commission on
21-27 September 1, 2016.

21-28 SECTION 34. Except as otherwise provided by this Act, this
21-29 Act takes effect September 1, 2015.

21-30 * * * * *